

JOURNAL OF THE HOUSE.

Tuesday, October 2, 2007.

Met according to adjournment, at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Pledge of
allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Silent Prayer.

Revere
police officer
Daniel
Talbot.

At the request of Representatives Reinstein of Revere and DeLeo of Winthrop, the members, guests and employees stood for a moment of silent prayer in memory of Revere Police Officer Daniel Talbot. Daniel was 30 years old, a 5 year veteran of the Revere Police Department and a member of their patrol division and their gang unit.

Statement Concerning Representative Provost of Somerville.

Statement
concerning
Representative
Provost of
Somerville.

A statement of Mr. Rogers of Norwood concerning Ms. Provost of Somerville was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Provost of Somerville, will not be present in the House Chamber for today's sitting because she is in flight returning from her attendance at a conference for legislators. Any roll calls that she may miss today will be due entirely to the reason stated.

Resolutions.

Thaddeus A.
Irzyk.

Resolutions (filed with the Clerk by Mr. Koczera of New Bedford) congratulations to Thaddeus A. Irzyk on receiving the Polish American United Organization of Greater New Bedford's Person of the Year award, were referred, under Rule 85, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Koczera, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Lexington,
referendums.

Petitions severally were presented and referred as follows:

By Mr. Kaufman of Lexington, petition (accompanied by bill, House, No. 4260) of Jay R. Kaufman and others (by vote of the town) for legislation to regulate referendum petitions in the town of Lexington. To the committee on Election Laws.

Lexington,
town
meetings.

By the same member, petition (accompanied by bill, House, No. 4261) of Jay R. Kaufman and others (by vote of the town)

relative to notices of town meetings in the town of Lexington. To the committee on Municipalities and Regional Government.

By the same member, petition (accompanied by bill, House, No. 4262) of Jay R. Kaufman and others (by vote of the town) relative to real property tax deferrals for certain elderly persons in the town of Lexington. To the committee on Revenue.

Lexington,
tax deferrals.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Miss Garry of Dracut, petition (subject to Joint Rule 12) of Colleen M. Garry relative to the issuance of warnings to junior operators for use of excessive speed in the operation of motor vehicles on roadways in the Commonwealth.

Junior
operators,
licenses.

By Mr. Jones of North Reading, petition (subject to Joint Rule 12) of Bradley H. Jones, Jr., and others for legislation to provide for the merger of the Massachusetts Turnpike Authority with the Department of Highways.

Turnpike,
merger.

By the same member, petition (subject to Joint Rule 12) of Bradley H. Jones, Jr., and others for legislation to place the jurisdiction of the roadways of the Department of Conservation and Recreation within the Department of Highways.

Conservation and
Recreation,
roadways.

By the same member, petition (subject to Joint Rule 12) of Bradley H. Jones, Jr., and others that health insurance coverage for employees of the Massachusetts Bay Transportation Authority be placed within the jurisdiction of the Group Insurance Commission.

M.B.T.A.,
health
insurance.

By the same member, petition (subject to Joint Rule 12) of Bradley H. Jones, Jr., and others for legislation to place newly-hired employees of the Massachusetts Bay Transportation Authority within the jurisdiction of the State Board of Retirement.

M.B.T.A.,
pension
benefits.

By the same member, petition (subject to Joint Rule 12) of Bradley H. Jones, Jr., and others for legislation to transfer the payment of personnel and operating expenses of the Department of Highways from the capital budget to the operating budget of said department.

Highway
Department,
personnel.

By Mr. LeDuc of Marlborough, petition (subject to Joint Rule 12) of Stephen P. LeDuc relative to the registration of veterinarians and technicians with the Board of Registration in Veterinary Medicine.

Veterinary
technicians.

By Mr. Perry of Sandwich, petition (subject to Joint Rule 12) of Jeffrey Davis Perry relative to the issuance of motor vehicle registration plates to veterans.

Vehicle
plates,
veterans.

By Mr. Mariano of Quincy, petition (subject to Joint Rule 12) of Ronald Mariano that the Commissioner of Insurance be directed to promulgate rules and regulations for the protection of members of the armed forces from predatory insurance practices.

Military,
predatory
insurance.

By Mr. Peterson of Grafton, petition (subject to Joint Rule 12) of George N. Peterson, Jr., and others for legislation to exempt certain property from seizure or execution in civil court proceedings.

Property,
seizure.

By Ms. Reinstein of Revere, petition (subject to Joint Rule 12) of Kathi-Anne Reinstein for the annual issuance by the Governor of a proclamation setting apart February second as Ayn Rand Day.

Ayn Rand
Day,
designation.

By Mr. Rice of Gardner, petition (subject to Joint Rule 12) of Robert L. Rice, Jr., and others for legislation to require the posting

Food
establishment,
inspections.

of inspection reports of food establishments by health agents of cities and towns.

By Mr. Rush of Boston, petition (subject to Joint Rule 12) of Michael F. Rush relative to the penalty for interfering with police officers in the investigation of criminal activities involving murder.

By Mr. Sannicandro of Ashland, petition (subject to Joint Rule 12) of Tom Sannicandro that the Division of Banks be directed to establish certain rules and regulations for disclosures by mortgage brokers and lenders.

Severally, under Rule 24, to the committee on Rules.

Paper from the Senate.

A Bill authorizing the Mashpee Water District to enter into a certain agreement with the town of Sandwich (Senate, No. 2282, changed in section 1, in line 1, by inserting before the word "Notwithstanding" the following: "Chapter 136 of the acts of 1987 is hereby amended by adding the following section:-") (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

By Mr. Kaufman of Lexington, for the committee on Public Service, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 2463) of Robert A. DeLeo and Anne M. Gobi relative to the testimony of a child against a parent in certain criminal proceedings;

Of the petition (accompanied by bill, House, No. 2731) of Karryn Fleet relative to hearings for persons accused of parole violations; and

Of the petition (accompanied by bill, House, No. 2732) of Tom Sannicandro and others relative to oral and written victim impact statements during judicial proceedings;

And recommending that the same severally be referred to the committee on the Judiciary; and

Of the petition (accompanied by bill, House, No. 2646) of David Paul Linsky and others relative to providing for an appropriation of a certain sum of money for the construction of sound barriers on a section of Route 9 in the town of Natick,— and recommending that the same be referred to the committee on Transportation.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill making technical corrections to Chapter one hundred ninety-six of the Acts of two thousand and six concerning certain civil service positions in the city of Worcester (House, No. 3981) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill authorizing superannuation retirement for Leo Senecal (House, No. 4139) [Local Approval Received].

Police
officers,
safety.

Mortgage
brokers.

Mashpee
Water
District.

Children,
testimony.

Parole,
regulate.

Judicial
proceedings,
impact
statements.

Natick,
sound
barriers.

Worcester,
civil service.

North Adams,
Leo
Senecal.

Sharon

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Sharon Easter, an employee of the Department of Correction (House, No. 4209).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Recess.

At one minute after eleven o'clock A.M., on motion of Ms. Rogeness of Longmeadow (Mr. Donato of Medford being in the Chair), the House recessed until twelve o'clock noon; and at twenty-eight minutes before one o'clock P.M. the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Remarks of Representative Festa of Melrose.

The Speaker then took the Chair, declared a brief recess and, there being no objection, recognized Mr. Festa of Melrose for the purpose of addressing the House upon his impending resignation to become Secretary of Elder Affairs.

Recess.

At three minutes after one o'clock P.M., on motion of Mr. Petrolati of Ludlow, the House recessed until half past one o'clock; and at twenty-two minutes after two o'clock the House was called to order with Mr. Petrolati in the Chair.

Engrossed Bills.

The engrossed Bill authorizing the appointment of Antonio F. Dinis as a police officer in the town of Milford notwithstanding the maximum age requirements (see Senate, No. 2253) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill authorizing the town of Foxborough to grant 12 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 4147) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Pending the question on passing the bill to be enacted, Mr. Jones of North Reading moved that Rule 40 be suspended; and the motion prevailed.

Mr. Barrows of Mansfield then moved that the bill be amended in section 1, in paragraph (c) by adding at the end thereof the following sentence: "Said additional \$5,000 fee shall be deposited into an economic development account of the town and expended consistently with the purposes of such account."; and by inserting after paragraph (d) the following paragraph:

"Notwithstanding any general or special law or rule or regulation to the contrary, the board of selectmen shall not approve the transfer of any license granted by this act to any other location outside of the 'Site'. Said license may be granted by the board of selectmen at the

Easter,
sick leave.

Recess.

Remarks of
Representative
Festa of
Melrose.

Recess.

Bill
enacted.

Foxborough,
liquor
licenses.

Foxborough,

Liquor
licenses.

same location if an applicant for said license files with said authority a letter in writing from the department of revenue indicating that said license is in good standing with said department and that any and all applicable taxes have been paid.”.

The amendments were adopted. Sent to the Senate for concurrence.

Orders of the Day.

Third reading
bill amended.

The House Bill approving the town of Nantucket to use, or to sell, convey or otherwise dispose of certain land situated in the town of Nantucket for any lawful purpose (printed as Senate, No. 2225) was read a third time.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

Pending the question on passing the bill to be engrossed, Mr. Turkington of Falmouth moved to amend it by substitution of a bill with the same title (House, No. 4265), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

H

The House Bill approving the Nantucket Islands Land Bank and the town of Nantucket to use, or to sell, convey or otherwise dispose of certain land situated in the town of Nantucket for any lawful purpose (printed as Senate, No. 2227) was read a third time.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

Pending the question on passing the bill to be engrossed, Mr. Turkington of Falmouth moved to amend it by substitution of a bill with the same title (House, No. 4266), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

Second
reading
bills.

The Senate Bill relative to recall elections in the town of Holbrook (Senate, No. 2304); and

House bills

Relative to multiple office holding in the town of Burlington (House, No. 3946);

Amending the charter of the town of Westborough (House, No. 4101);

The House Bill relative to mutual aid for local public health (House, No. 4116);

Authorizing the town of West Boylston to convey certain open space land (House, No. 4120);

Authorizing the town of Needham to construct and maintain a common sewer through land acquired for conservation purposes (House, No. 4121);

Relative to the change from conservation use to general municipal use of a portion of the property known as Ridge Hill Reservation in the town of Needham (House, No. 4122);

Authorizing the city of Brockton to convey certain park land (House, No. 4164);

Providing for an increase in the Georgetown board of selectmen from three to five members (House, No. 4166);

Relative to the Wareham parking meter fund (House, No. 4195);

Authorizing the city of Fitchburg to convey certain land in the city of Fitchburg in exchange for the conveyance of land by Dawn M. Tully to the city of Fitchburg for watershed protection purposes (House, No. 4216); and

Establishing a sewer system capital improvement fund for the town of Hadley (House, No. 4217);

Severally were read a second time; and they were ordered to a third reading.

House reports

Of the committee on Transportation, ought NOT to pass, on the petition (accompanied by bill, House, No. 3455) of Robert K. Coughlin and Stephen Stat Smith relative to prohibiting truck traffic on a portion of East Street in the town of Dedham;

House
reports.

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3488) of Anne M. Gobi for legislation to direct the Department of Highways to evaluate the safety benefits of centerline markings on unmarked paved roads;

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3594) of Alice Hanlon Peisch and others for legislation to prohibit the sale of tobacco products at facilities of the Massachusetts Bay Transportation Authority; and

Of the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3644) of David B. Sullivan and Christine E. Canavan that the Executive Office of Transportation and Construction be authorized to offer sponsorship rights for bridges throughout the Commonwealth;

Severally were accepted.

Quorum.

Mr. Peterson of Grafton thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 153 members were recorded as being in attendance.

Quorum,
yea and nay
No. 175.

[See Yea and Nay No. 175 in Supplement.]

Therefore a quorum was present.

Reports of Committees.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to the resale of tickets (House, No. 4251) ought to pass with an amendment substituting therefor a bill with the same title. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Tickets,
resale.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Tickets,

resale.

Under suspension of Rule 7A, on motion of Mr. Rodrigues of Westport, the bill was read a second time forthwith.

Pending the question on adoption of the amendment recommended by the committee on Ways and Means, Messrs. DeLeo and Rodrigues moved to amend the proposed substitute bill by striking out all after the enacting clause and inserting in place thereof a new text.

After debate the further amendment was adopted.

The amendment recommended by the committee on Ways and Means, as amended, then also was adopted.

Bill ordered
to a third
reading,
yea and nay
No. 176.

On the question on ordering the substituted bill to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 131 members voted in the affirmative and 24 in the negative.

[See Yea and Nay No. 176 in Supplement.]

Therefore the bill (House, No. 4263, printed as amended) was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Rodrigues of Westport, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Orders of the Day.

Parole
board.

The House Bill providing for behavioral science representation on the Parole Board (House, No. 1314), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Representatives Golden of Lowell and Balser of Newton moved to amend it by substitution of a bill with the same title (House, No. 4264), which was read.

The amendment was adopted.

After debate on the question on passing the substituted bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 135 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 177 in Supplement.]

Therefore the bill was passed to be engrossed. The bill (House, No. 4264) then was sent to the Senate for concurrence.

Quorum.

Quorum.

Mr. DiMasi of Boston thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,
yea and nay
No. 178.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (the Speaker being in the Chair), 153 members were recorded as being in attendance.

[See Yea and Nay No. 178 in Supplement.]

Therefore a quorum was present.

Silent Prayer.

At the request of the Speaker, the members, guests and employees stood for a moment of silent prayer in memory of Kevin W. Fitzgerald of Boston, who passed away earlier this week.

Kevin W.
Fitzgerald.

Order.

On motion of Mr. Sánchez of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

Next
sitting.

Mr. Sánchez then moved that as a mark of respect to the memory of Kevin W. Fitzgerald, a member of the House from Boston from 1975 to 2002, inclusive, and Sergeant-at-Arms of the General Court from 2003 to 2007, inclusive, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at two minutes before four o'clock P.M., on further motion of Mr. Sánchez (the Speaker being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.